

## REMARKS

### I. Status of Claims

Claims 65, 88-135, and 147 are currently pending in this application. Claims 1-64 were previously canceled, and claims 66-87 and 136-146 have been canceled without prejudice herein. Claim 65 is amended herein, and new claim 147 has been added. Support for the amendment to claim 65 and new claim 147 can be found in the application as originally filed. For the Examiner's convenience, Applicant points out in the following Table 1 the specific written description support in the specification for the elements of claim 65, as amended and new claim 147.

**Table 1.**

<u>Element</u>	<u>Support in Specification</u>
A lipstick composition comprising:	See page 1, lines 6-7, stating that "[t]his composition is especially in the form of a make-up stick and more especially a lipstick."
at least one liquid fatty phase;	See page 6, lines 15-17, disclosing "at least one liquid fatty phase."
at least one fluoro oil;	See page 6, lines 15-17, disclosing "at least one fluoro oil." See also page 18, line 13 to page 26, line 14.
at least one polymer chosen from polymers of formula (I) below:  $  \begin{array}{ccccccc}  & & R^4 & & R^4 & & \\  & &   & &   & & \\  R^1-O- & [ & C-R^2-C-N-R^3-N & ]_n & -C-R^2-C-O-R^1 & (I) \\  &    &    & &    &    & \\  & O & O & & O & O &   \end{array}  $ wherein: n is a number of amide units such that the number of ester groups in formula (I) ranges from 10% to 50% of the total number of ester and amide groups; R <sup>1</sup> is independently chosen from alkyl and alkenyl groups containing at least 4 carbon atoms; R <sup>2</sup> is independently chosen from C <sub>4</sub> to	See page 13, line 11 to page 14, line 9.

<p>C<sub>42</sub> hydrocarbon-based groups, wherein 50% of the R<sup>2</sup> groups are chosen from C<sub>30</sub> to C<sub>42</sub> hydrocarbon-based groups;  R<sup>3</sup> is independently chosen from organic groups containing at least 2 carbon atoms, hydrogen, and optionally at least one atom chosen from oxygen and nitrogen atoms; and  R<sup>4</sup> is independently chosen from hydrogen, C<sub>1</sub> to C<sub>10</sub> alkyl groups, and a direct bond to R<sup>3</sup> or to another R<sup>4</sup>, such that the nitrogen atom to which R<sup>3</sup> and R<sup>4</sup> are both attached forms part of a heterocyclic structure defined by R<sup>4</sup>-N-R<sup>3</sup>, wherein at least 50% of the R<sup>4</sup> groups are hydrogen; and</p>	
<p>wherein the at least one liquid fatty phase and the at least one polymer form a physiologically acceptable medium.</p>	<p>See page 11, lines 20-22.</p>
<p>wherein the at least one polymer is chosen from ethylenediamine/stearyl dimer tallate copolymer.</p>	<p>See page 15, lines 12-26, reciting Uniclear<sup>®</sup> and that Uniclear<sup>®</sup> is "a mixture of a copolymer of a C<sub>36</sub> diacid coupled with ethylenediamine . . . ."  See also <u>International Cosmetic Ingredient Dictionary and Handbook</u> ("CTFA") page 606 (attached herewith as Exhibit 1), reciting that ethylenediamine/stearyl dimer tallate copolymer is at least one copolymer of ethylenediamine and tall oil dimer acid monomers, end-blocked with stearyl alcohol and further reciting that a trade name for ethylenediamine/stearyl dimer tallate copolymer is Uniclear<sup>®</sup>. Thus, the specification reasonably conveys a lipstick comprising at least one ethylenediamine/stearyl dimer tallate copolymer.</p>

The Title and Abstract have been amended to more accurately describe the presently claimed invention. Support for the new Title and Abstract can be found

throughout the application as originally filed, and as discussed above. Accordingly, no new matter has been added.

## **II. Rejection under 35 U.S.C. § 103**

Claims 65-146 have been rejected under 35 U.S.C. § 103 as allegedly obvious over the combination of U.S. Patent No. 5,998,570 to Pavlin et al. ("Pavlin '570"); U.S. Patent No. 6,749,173 to Arnaud et al. ("Arnaud '173"); U.S. Patent No. 6,224,851 to Bara ("Bara '851"); U.S. Patent No. 6,399,080 to Bara ("Bara '080"); and U.S. Patent No. 6,203,780 to Arnaud et al. ("Arnaud '780").

According to the Office, Pavlin '570 "teaches formula (I)," but "[t]he patent does not teach [the fluoro oil, the additional oil of claims 117-125, the apolar oil of claim 126 and 127, and the dyestuff]." Office Action at 2-3.

The Office then attempts to rectify this deficiency by relying on Arnaud '173, Bara '851, Bara '080, and Arnaud '780 as teaching the compounds lacking in Pavlin '570. Office Action at 3. From this, the Office concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the compositions of [Pavlin] '570 and combine it with the fluoro oils of [Arnaud '173, Bara '851, Bara '080, and Arnaud '780] expecting beneficial effects to the cosmetic products when applied." *Id.* Accordingly, the Office Action states, "[t]he motivation to use the fluoro oils of the various patents stems from the teaching of these patents that these fluoro oils are transfer resistant agents." *Id.*

Applicant respectfully traverses, as the Office has not established a *prima facie* case of obviousness of claims 65, 88-135 and 147, as amended. In order to establish a

*prima facie* case, the Examiner must demonstrate, among other things, some suggestion or motivation in the art to modify the reference or combine reference teachings. M.P.E.P. § 2143. None of Arnaud '173, Bara '851, Bara '080, or Arnaud '780 teaches or suggests combining the fluoro oils taught therein with the hydrocarbon liquids of Pavlin '570. To the contrary, and as discussed below, Arnaud '173, Bara '080, and Bara '851 teach away from making such a combination, and Arnaud '780 does not contain the requisite motivation to make the suggested combination. Accordingly, the Examiner has not established a *prima facie* case of obviousness.

**A. Arnaud '173**

Arnaud '173 teaches that the hydrocarbon oil of the liquid fatty phase is preferably only present in a minority percentage: "The composition according to the invention can preferably comprise 1 to 50% by weight of nonvolatile liquid fatty substance, in particular from 1 to 40% and better still from 5 to 30%, by weight." Arnaud '173, col. 7, ll. 7-10. For example, Arnaud '173 admittedly teaches the use of a hydrocarbon oil, but cautions against the use of a large percentage of hydrocarbon oil in the composition as "hydrocarbon oils, which are known to contribute in particular comfort to a cosmetic or dermatological composition, have the disadvantage of increasing the transfer of such a composition." Arnaud '173, col. 2, ll. 23-26. Example 1, moreover, elucidates further that one of ordinary skill in the art would be lead away from adding a majority percentage of hydrocarbon oil to the composition, as the example states:

[A] lipstick with a pleasant texture was obtained which applied uniformly on the lips and the film of which was very comfortable, while leaving no marks on external substrates after evaporation of the volatile oil . . . . **This is all the mor**

**not worthy as the composition comprised a significant amount of hydrocarbon oil, which is not very favorable to the 'transfer-free' effect.**

Arnaud '173, Example 1, col. 9, lines 59-65 (emphasis added). Arnaud '173's disclosure of a "significant" amount of a hydrocarbon oil included only 12% hydrocarbon oil. See *Id.* at col. 9, lines 43-48, disclosing a composition comprising 12 grams of hydrogenated polyisobutene in a 100 gram sample.

Therefore, one of ordinary skill in the art, when attempting to formulate a transfer-free composition, would, if anything, be led to add **less** hydrocarbon oil to the composition rather than more. Yet Pavlin '570 teaches a majority percentage of hydrocarbon oil present in the composition. See Pavlin '570, col. 17, ll. 35-38 (stating that "the ester-terminated polyamide is combined with the liquid such that the weight percentage of ETPA in the ETPA+solvent mixture is about 5-50%, and preferably is about 10-45%," in other words the hydrocarbon oil is present from about 95-50%, and preferably from about 90-55%). Therefore, the Office has not established any specific motivation for why one of ordinary skill in the art would be led to combine the teachings of Pavlin '570 and Arnaud '173. Applicant respectfully request reconsideration of this grounds for rejection, as applied to claims 65, 88-135, and 147, as amended.

**B. Bara '080**

Bara '080, like Arnaud '173, does not teach or suggest adding hydrocarbon oils to a composition comprising fluoro oils, absent fluoro waxes. To the contrary, Bara '080 states that teachings in the art directly advise against such a combination: "The use of fluoruous oils in the formulation of cosmetic compositions is sought . . . . Such compositions nonetheless are difficult to achieve, because of the inherent

incompatibility of the fluoruous oils with numerous polar and apolar hydrocarbonaceous compounds.” Bara ‘080, col. 1, ll. 11-18. While Bara ‘080 does disclose that fatty substances such as oils may be added to the inventive composition, it teaches that “the oils may represent from 0 to 50% and better still from 0 to 20% of the total weight of the composition.” *Id.* at col. 4, ll. 57-59. Accordingly, one of ordinary skill in the art would not be led to combine the 50-95%, or preferably 55-90%, hydrocarbon oil of Pavlin ‘570 with the fluoro oils of Bara ‘080.

**C. Bara ‘851 and Arnaud ‘780**

Bara ‘851, like the references discussed above, does not teach or suggest that hydrocarbon oils may be added in a majority percentage to a composition comprising fluoro oils, contrary to the teachings in the art, as discussed above, which instead teach that hydrocarbon oils are incompatible with fluoro oils. Neither of the two examples in Bara ‘851, for instance, incorporates a hydrocarbon oil.

Moreover, in addition to a suggestion or motivation in the art to modify the reference or combine reference teachings, the Office must show that there would have existed reasonable expectation of success at the time the invention was made.

M.P.E.P. § 2143. In the instant case, the Office has failed to show that the teachings of any of the cited references, including Bara ‘851 and Arnaud ‘780, would have provided a reasonable expectation of success. To the contrary, given the teaching away in the art present in Bara ‘080 and Arnaud ‘173, discussed above, no such reasonable expectation of success exists. Therefore, no *prima facie* case of obviousness has been established, and Applicant respectfully requests reconsideration of the pending claims, as amended.

### **III. No Obviousness-Type Double Patenting**

Applicant brings to the Office's attention the following copending Application Serial Nos.: 09/749,036 (e.g., claim 55); 10/446,166 (e.g., claim 33); 10/618,315 (e.g., claim 68); 10/746,612 (e.g., claim 14); and 10/747,412 (e.g., claim 14), all of which are referenced below in Table 2. While Applicant does not believe there are any obviousness-type double patenting issues, after consideration of the copending applications listed in Table 2, the claims of these applications appear to be the closest in scope to the instant claims.

### **IV. U.S. Patent No. 6,497,861 to Wang et al.**

As referenced in the Information Disclosure Statement filed herewith, Applicant is aware of U.S. Patent No. 6,497,861 to Wang et al. ("Wang"), filed June 21, 2001. However, Applicant does not believe that this patent is prior art with respect to the present application. In this regard, Applicant points out that the instant application claims the benefit of and matured from U.S. Provisional Application Serial No. 60/294,980, filed June 4, 2001, an English translation of which was filed in the instant application on May 17, 2002.

Applicant further points out that a certified copy of the French priority document, French Patent Application No. 01 00621, filed on January 17, 2001, was filed in the U.S. Patent and Trademark Office January 17, 2002, and a Claim for Priority to this

document was filed on May 2, 2002. This certified translation is the same as the as-filed English language specification.

Thus, Table 1, above, shows that claim 65, as amended, has full § 112, first paragraph and is entitled to the January 17, 2001, filing date for priority purposes. Likewise, claims 88-135 and 147 also have full § 112, first paragraph and are entitled to the January 17, 2001, filing date for priority purposes, as these claims were originally presented in the application as filed. Therefore, all of claims 65, 88-135, and 147 are entitled to a priority date at least as early as January 17, 2001, having full support under 35 U.S.C. § 112, first paragraph in the French priority document. This antedates Wang.

#### **V. Commonly Assigned Applications**

Applicant has identified the related copending applications and patents below in Table 2 that were filed prior to January 17, 2002. Applicant does not believe that any of the identified copending U.S. Patent Applications or any relevant publications thereof or relevant PCT publications of a counterpart thereof, describes or suggests the subject matter of the claims of the present application under 35 U.S.C. § 102(e) and/or § 103.

Also listed in Table 2, below, is the publication information (U.S. Published Applications and/or U.S. Patents), if any, that correspond to these copending applications and their dates of publication. Applicant asserts that all of the applications listed in Table 2 that were filed prior to the instant application's priority date were commonly owned by the Assignee at the time the instant invention was made, which instant invention was also subject to assignment to the Assignee. Moreover, Applicant has provided for the Office's convenience the available assignment information in Table



2 or confirmed the obligation of assignment with the assignee, demonstrating that none of these applications, patents, or publications is available as § 102(e)/§ 103 prior art against claims 65, 88-135, and 147. See 35 U.S.C. § 103(c).

For the Office's convenience, Applicant identifies in Table 2 below 36 related copending applications, including the instant application, as well as those listed on the PTO Form 1449 filed herewith, including filing date, assignment, and inventor information. This should assist the Office in assessing any possible issues of statutory double patenting. This information will also allow the Office to address any issues of obviousness-type double patenting not discussed above. Applicant does not believe that any issue with respect to statutory double patenting under 35 U.S.C. § 101 is present with respect to claims 65, 88-135, and 147 of the instant application and the claims of any other copending application or patent listed in Table 2. To be sure, however, Applicant provides Exhibit 2, which contains all of the claims of the 36 pending applications, including the instant claims. As the Office can see from Exhibit 2, no other application contains claims which are identical to the instant claims.

**Table 2.**

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0594-00000	09/733,899	December 12, 2000	Mohamed KANJI, Carl ORR, and Carlos O. PINZON	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF	Reel 011723, Frame 0503, on April 20, 2001	U.S. Published Application No. US 2002/0114773 A1  Dated: August 22, 2002

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
				USING		
05725.0595-00000	09/733,900	December 12, 2000	Carlos O. PINZON and Paul THAU	COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME	Reel 011639, Frame 0897, on March 23, 2001	U.S. Published Application No. US 2002/012278 1 A1 (Republished US 2003/008212 6A9 on May 1, 2003)  Dated: September 5, 2002
05725.0656-00000	09/618,066	July 17, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011057, Frame 0676, on September 11, 2000	N/A: Will not publish
05725.0656-01000	09/685,577	October 11, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011455, Frame 0203, on January 22, 2001	N/A: Will not publish
05725.0659-00000	09/618,032, issued on June 11, 2002, as U.S. Patent No. 6,402,408	July 17, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011057, Frame 0007, on September 12, 2000	U.S. Patent No. 6,402,408  Dated: June 11, 2002
05725.0659-01000	09/685,578	October 11, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011549, Frame 0914, on February 20, 2001	N/A: Will not publish

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0795-01000	10/182,830	August 2, 2002  371 (c) Date: January 21, 2003	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	U.S. Published Application No. 2003/014783 7 A1  Dated: August 7, 2003
05725.0795-02000	10/787,441	February 27, 2004	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION- COMPRISING POLYAMIDE POLYMER AND AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	Not yet published
05725.0806-00000	09/733,896	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME	Reel 011765, Frame 0183, on April 26, 2001	U.S. Published Application No. US 2002/012003 6 A1 (Republished US 2003/012542 7 A9 on July 3, 2003)  Dated: August 29, 2002
05725.0808-00000	09/733,898	December 12, 2000	Carlos O. PINZON, Paul THAU, and Isabelle	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE	Reel 011654, Frame 0869, on April 2, 2001	U.S. Published Application No. US 2002/010731

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record d (Reel, Frame, Date)	U.S. Publication, Date
			BARA	ESTERS AND METHODS OF USING SAME		4 A1  Dated: August 8, 2002
05725. 0809- 00000	09/733,897	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLY- MERS AND METHODS OF USING SAME	Reel 011646, Frame 0966, on April 4, 2001	U.S. Published Application No. US 2002/011133 0 A1  Dated: August 15, 2002
05725. 0816- 01000	10/203,018	August 5, 2002  371 (c) Date: March 24, 2003	Véronique FERRARI, Richard KOLOD- ZIEJ, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	U.S. Published Application No. US 2003/016184 8 A1  Dated: August 28, 2003
05725. 0816- 02000	10/787,440	February 27, 2004	Véronique FERRARI, Richard KOLOD- ZIEJ, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING A POLYAMIDE POLYMER AND AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	Not yet published
05725. 0817- 01000	10/203,254	August 7, 2002  371 (c) Date: December 20, 2002	Véronique FERRARI, Carlos O. PINZON, and Paul THAU	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLY- MER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE	Reel 013607, Frame 0258, on December 20, 2002	U.S. Published Application No. US 2003/018578 0 A1  Dated: October 2, 2003

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
				SAME		
05725.0819-01000	10/129,377	May 3, 2002  371 (c) Date: October 16, 2002	Véronique FERRARI	COMPOSITION STRUCTURED WITH A POLYMER CONTAINING A HETEROATOM AND AN ORGANOGELLATOR	Filed October 16, 2002. Not yet recorded.	Not yet published
05725.0832-00000	09/749,036	December 28, 2000	Véronique FERRARI and Véronique JACQUES	COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE	Reel 011723, Frame 0518, on April 20, 2001	U.S. Published Application No. US 2001/0031280 A1  Dated: October 18, 2001
05725.0895-00000	09/971,028	October 5, 2001	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/0086883 A1  Dated: May 8, 2003
05725.0895-01000	10/413,217	April 15, 2003	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM ETHYLENEDIAMINE/STEARYL DIMER TALLATE	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/0198613 A1  Dated: October 23, 2003

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record d (Reel, Frame, Date)	U.S. Publication, Date
				COPOLYMER		
05725.0895-02000	10/699,780	November 4, 2003	Sue FENG and Mohamed KANJI	METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	Not yet published
05725.0896-00000	10/198,931	July 22, 2002	Mohamed KANJI	COMPOSITIONS COMPRISING AT LEAST ONE HETEROPOLYMER AND FIBERS, AND METHODS OF USING THE SAME	Reel 013410, Frame 0044, on October 21, 2002	U.S. Published Application No. US 2004/001362 5 A1  Dated: January 22, 2004
05725.0920-00000	09/899,909, issued on August 13, 2002 as U.S. Patent No. 6,432,391	July 9, 2001	Isabelle BARA	TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION	Reel 012278, Frame 0077, on October 23, 2001	U.S. Patent No. 6,432,391  Dated: August 13, 2002
05725.0932-00000	09/937,314	September 24, 2001  371 (c) Date: December 6, 2001	Véronique FERRARI	A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER	Reel 012476, Frame 0507, on January 17, 2002	U.S. Published Application No. US 2004 0086478 A1  Dated: May 6, 2004
05725.1003-00000	10/012,029	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER BLEND	Reel 013142, Frame 0645, on August 1, 2002	U.S. Published Application No. US 2003/001276 4 A1  Dated:

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record (Reel, Frame, Date)	U.S. Publication, Date
						January 16, 2003
05725.1004-00000	10/012,051	December 11, 2001	Nathalie COLLIN	USE OF AT LEAST ONE POLYAMIDE POLYMER IN A MASCARA FOR RAPIDLY INCREASING THE AMOUNT OF MAKE-UP DEPOSITED ON EYELASHES	Reel 012847, Frame 0285, on April 30, 2002	U.S. Published Application No. US 2002/018903 0 A1  Dated: December 19, 2002
05725.1005-00000	10/012,052	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION CONTAINING A WAX AND A POLYMER	Reel 012847, Frame 0264, on April 30, 2002	U.S. Published Application No. US 2002/016833 5 A1  Dated: November 14, 2002
05725.1018-00000	10/046,568	January 16, 2002	Xavier BLIN, Véronique FERRARI, and Frédéric AUGUSTE	NAIL POLISH COMPOSITION COMPRISING A POLYMER	Reel 013109, Frame 0731, on July 18, 2002	U.S. Published Application No. US 2002/019216 8 A1  Dated: December 19, 2002
05725.1020-00000	10/047,987	January 17, 2002	Véronique FERRARI	COSMETIC COMPOSITION COMPRISING A POLYMER AND A FLUORO OIL	Reel 012910, Frame 0028, on May 17, 2002	U.S. Published Application No. US 2002/017269 6 A1  Dated: November 21, 2002
05725.1187-	10/312,083	December	Patricia	COSMETIC COMPOSITION	Reel 014039, Frame 0976,	U.S. Published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record d (Reel, Frame, Date)	U.S. Publication, Date
00000		23, 2002  371 (c) Date: March 26, 2003	LEMANN	COMPRISING AN EMULSION CONTAINING A LIQUID FATTY PHASE STRUCTURED WITH A POLYMER, AND AN ALKYLENE-OXIDE-CONTAINING EMULSION STABILIZER	on March 26, 2003	Application No. US 2003/016180 7 A1  Dated: August 28, 2003
05725.1198-00000	10/450,108	June 11, 2003  371 (c) Date: June 11, 2003	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBERS	Not yet filed/recorded	U.S. Published Application No. US 2004/002863 6 A1  Dated: February 12, 2004
05725.1228-00000	10/466,166	July 14, 2003  371 (c) Date: January 20, 2004	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS	Filed January 20, 2004. Not yet recorded.	Not yet published
05725.1336-00000	10/459,636	June 12, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND A SUNSCREEN AND METHODS OF USING SAME	Filed October 3, 2003; not yet recorded	Not yet published
05725.1337-00000	10/618,315	July 11, 2003	Shao Xiang LU, Terry VAN LIEW, and	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING	Filed August 12, 2003 and January 30, 2004; not yet	Not yet published



Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record d (Reel, Frame, Date)	U.S. Publication, Date
			Nathalie GEFROY-HYLAND	AGENT, SILICONE POWDER AND SWELLING AGENT	recorded	
05725.1338-01000	10/746,612	December 22, 2003	Shao Xiang LU, Terry VAN LIEW, Nathalie GEFROY-HYLAND, and Mohamed KANJI	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT	Not yet filed/recorded	Not yet published
05725.1338-02000	10/747,412	December 22, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS FOR USING THE SAME	Not yet filed/recorded	Not yet published
06028.0018-00000	10/203,375	August 9, 2002  371 (c) Date: August 9, 2002	Nathalie JAGER-LEZER and Jean-Christophe SIMON	COLOURED TRANSPARENT OR TRANSLUCENT COSMETIC COMPOSITION	Reel 013318, Frame 0962, on August 9, 2002	U.S. Published Application No. US 2003/002677 2 A1  Dated: February 6, 2003
06028.0019-00000	10/203,374	August 9, 2002  371 (c) Date: August 9, 2002	Jean-Christophe SIMON and Nathalie JAGER-LEZER	METHOD FOR MAKING A COLOURED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITTANCE	Reel 013321, Frame 0001, on August 9, 2002	U.S. Published Application No. US 2003/004436 7 A1  Dated: March 6, 2003

**VI. Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



Dated: June 10, 2004

By: Reg. No. 41,469  
Erin C. DeCarlo  
Reg. No. 51,688

**Attachments:**      **Exhibit 1 -** International Cosmetic Ingredient Dictionary and Handbook ("CTFA") page 606  
  
                         **Exhibit 2 -** Pending Claims in Copending Applications